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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,796	04/10/2007	Jorg Heller	FLGDK21.008APC	8718
20995 7590 10/19/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER RIPA, BRYAN D	
			ART UNIT 1795	PAPER NUMBER
			NOTIFICATION DATE 10/19/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/578,796	<b>Applicant(s)</b> HELLER ET AL.	
	<b>Examiner</b> BRYAN D. RIPA	<b>Art Unit</b> 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/4/06; 9/25/09</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

Claim 9 is objected to because of the following informalities:

Specifically, claim 9 in the last line refers to “substrate” and “coated layer” without providing proper antecedent basis. While it is fairly clear the applicant is referring to the substrate and the coated layer of claim 1, the examiner suggests the amendment of the claims so as to specifically denote this.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Dotzer et al., (U.S. Pat. No. 4,148,204) (hereinafter referred to as “DOTZER”).

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Regarding claim 1, DOTZER teaches a method for the production of coated workpieces comprising the steps of:

- electrodepositing one or more layers containing one metal and/or a metal alloy on a substrate (see col. 3 lines 27-30 teaching the electrodeposition of aluminum on the metal article); and
- thermally treating the coated substrate at a temperature of between 300°C and 1000°C in such a way that at least the surface layer of the substrate and the layer or layers applied by the previous step partially and/or completely interdiffuse (see col. 4 lines 48-52 teaching the heat treatment of the substrate and electrodeposited layer so as to form an interdiffused metal layer). See also example 9 at col. 17 lines 1-62 providing teachings on a more specific example of the teaching noted above.

Regarding claim 2, DOTZER teaches the method for the production of coated workpieces wherein the substrate is electrically conductive (see col. 3 lines 27-30 teaching the electrodeposition of a metal article which would inherently be electrically conductive).

Regarding claims 3-5, DOTZER teaches the method for the production of coated workpieces wherein the substrate is a metallic substrate including one metal comprising magnesium, titanium or zinc (see col. 3 lines 27-33).

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Regarding claims 6-8, DOTZER teaches the method for the production of coated workpieces wherein the layer is an aluminum layer that is coated from either an aqueous or a non-aqueous electrolyte (see col. 3 lines 27-30; 47-49).

Regarding claim 9, DOTZER teaches the method for the production of coated workpieces wherein the temperature and/or duration of the thermal treatment step is selected in such a way that an alloy containing metal of the surface layer of the substrate and metal of the coated layer will be formed at least in the boundary area between the substrate and the coated layer (see col. 4 lines 48-52).

Regarding claims 10, 17 and 18, DOTZER teaches the method for the production of coated workpieces wherein the temperature of the thermal treatment step is between 400°C and 1000°C, 450°C and 900°C, and also between 500°C and 800°C (see col. 4 lines 48-52 and col. 17 lines 32-34 teaching thermal treatment being conducted at 600°C).

Regarding claims 11, 19 and 20, DOTZER teaches the method for the production of coated workpieces wherein the duration of the thermal treatment step is between 1 second and 10 hours, 1 minute and 5 hours, and also between 2 minutes and 3 hours (see col. 4 lines 48-52 and col. 17 lines 32-34 teaching thermal treatment being conducted for 2 hours).

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Regarding claims 12, 13 and 21, DOTZER teaches the method for the production of coated workpieces wherein subsequent to coating the layer and prior to performing the thermal treatment the layer is subjected to further treatment comprising anodization of the layer (see col. 3 lines 31-35 teaching the anodizing of the aluminum layer after being electrodeposited).

Regarding claims 14 and 22, DOTZER teaches the method for the production of coated workpieces wherein the coated workpieces are molded articles or metal sheets (see col. 4 lines 8-14).

Regarding claims 15 and 16, DOTZER teaches the coated workpieces made by the method wherein the coated workpieces are molded articles (see col. 4 lines 8-14).

Please note, claims 15 and 16 are considered product-by-process claims. As such, they are being treated in accordance with MPEP § 2113.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN D. RIPA whose telephone number is 571-270-7875. The examiner can normally be reached on Monday to Friday, 9:00 AM to 5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on 571-272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harry D Wilkins, III/  
Primary Examiner, Art Unit 1795

/B. D. R./  
Examiner, Art Unit 1795